

INTEREST IN CATTLE

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crising the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

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Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

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The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

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Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuor strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

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[E] and after initiation they herd the adult cattle and in the kraal
233 give their attention mainly to the oxen. The women are
462 dairy-maids; the men herdsmen. Moreover, to a girl the cows
are essentially providers of milk and cheese and they remain
such when she grows up and is married and milks and churns
for her husband's people, whereas to a boy they are part of the
family herd in which he has property rights. They have
entered the herd on the marriage of his kinswomen and one
day he will marry with them. A girl is separated from the herd
on marriage; a boy remains as its owner. When a boy becomes
a youth and is initiated into manhood the cattle become some-
thing more than food and the cause of labour. They are also a
means of display and marriage. It is only when a man marries
and has children and an independent household and herd,
when he has become an elder and man of position, that he often
uses cattle as sacrifices, invests them with a sacred significance,
and employs them in ritual.

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233 The Nuer and his herd form a corporate community with
solidarity of interests, to serve which the lives of both are
adjusted, and their symbiotic relationship is one of close
physical contact. The cattle are docile and readily respond to
human care and guidance. No high barriers of culture divide
men from beasts in their common home, but the stark naked-
ness of Nuer amid their cattle and the intimacy of their contact
with them present a classic picture of savagery. I ask the
reader to look at some of the illustrations, for example the
Frontispiece and Plates III, V, and XVII, which will convey
to him better than I can do in words the crudity of kraal life.

Cattle are not only an object of absorbing interest to Nuer,
having great economic utility and social value, but they live in
the closest possible association with them. Moreover, irres-
pective of use, they are in themselves a cultural end, and the
mere possession of, and proximity to, them gives a man his
heart's desire. On them are concentrated his immediate in-
terests and his farthest ambitions. More than anything else
they determine his daily actions and dominate his attention.
We have remarked on the over-emphasis on cattle produced by
their wide range of social and economic uses. So many physical,
psychological, and social requirements can be satisfied from

226 therefore, are an indispensable article of food, and the pursuit of them influences seasonal movements.

226 The rivers teem with fish of many edible species which greatly
262 supplement the diet of the Nuer in the dry season and enable them to survive years in which the crops fail or there are epidemics among the herds. In choosing camp sites opportunities for fishing are considered no less than water and pasturage. [61] Nevertheless, Nuer do not regard themselves as a water-people, and despise people like the Shilluk who, they say, live mainly by fishing and hunting hippopotami. In spite of this suggestion of superiority Nuer enjoy fishing and the feeling of well-being a full fish diet gives them. One may judge how great their catch must be at the height of the dry season from the fact that one can see along the Baro and Sobat cattleless fishing camps (Aaf) in which, except for a little grain, goat's milk, and an occasional wild beast, people live on fish alone for several weeks. These are poor people who either have no cattle or have one or two cows which they have placed in the care of richer relatives, for no Nuer would live without his cattle if he could help it, and they are despised as persons of Anuak or Balak Dinka descent. Some Nuer tribes fish more than others, according to their opportunities. Thus Lou country has poor fishing compared with Eastern Jikany which has a network of waterways. Tribes and tribal sections jealously guard their fishing rights, and people who want to fish extensively in a pool must first obtain permission from its owners if they do not want to provoke fighting.

226 It is the seasonal flooding, due to the rise and fall of the rivers
221 and the flatness of the country, that allows Nuer to kill fish in such large numbers, for they are carried out of the rivers, where they are little accessible to the simple methods of Nuer fishing, into streams and lagoons where they are more vulnerable. The best months are November and December, when the rivers begin to fall and to drain streams and lagoons, which can be dammed at suitable points and the fish speared in their efforts to break downstream. Fishing from dams is conducted mainly at night, fires being lighted behind the fishers, who fix their attention on a line of withies placed upstream from the dam and hurl their spears at whatever point of the line fish reveal

CHAPTER V

PROPERTY RIGHTS

I. OWNERSHIP

General Considerations

421 **E**VEN though radical changes are now taking place with the introduction of a cash economy, the concept of 'ownership' among the Nuer is still largely expressed in terms of kinship. The principles of group solidarity which apply in marriage relations, homicide, and the balanced opposition of social groups extend also to property relations. Nuer speak of ownership in definite terms of speech. They will say *da-da*, 'my thing', or *ayis-da*, 'his things', but further analysis shows that these expressions of individual ownership are qualified by kinship relations. A man may well speak of a cow as *his* cow (*yung-da*), but in most instances his ownership of or right to that cow is qualified by his membership of a kinship group. The cow has come to him through one of the many intricate channels in the kinship structure and will not be his for long. Either it will be paid to some kinsman in discharging another obligation of kinship or it will be passed on in marriage. When a man leaves cattle to his sons, these do not become their permanent and inalienable property. They have the right to use them for the time being, but sooner or later it will be incumbent upon them to use them to marry a wife, either on behalf of one of their number or on behalf of some dead kinsman, or they may be obliged to assist some living kinsman to marry. It should be emphasized here that it is obligatory upon them to use the cattle for this purpose; obligatory because the cattle are part of a collective, not an individual system of ownership. A Nuer can rarely sell a cow without the express permission of his kinsmen, and this will probably only be granted if the transaction is both expedient and to the common advantage of them all. This is, of course, one of the reasons why sales of cattle in Nuerland are still so small.¹ Therefore, when a man speaks of his cow as *yung da* 'my cow', he means that he has the right to use that cow for the subsistence of himself and his family, to marry a wife, or to discharge some debt, but he only has that right by virtue of his membership of a kinship group. In this sense ownership of cattle is collective. It must be remembered, too, that although most articles of importance in the material culture of the Nuer are reckoned in terms of cattle, the handing over of cattle

¹ See pp. 195-6.

MOVABLE PROPERTY

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in marriage is not a financial transaction but an operation which maintains the balance of exogenous groups, defines their limits, and emphasizes the legality of their marriages. 421

There is, as will be seen later, no concept of the ownership of land by an individual. Ownership of the land, both for cultivation and for grazing, or of stretches of water for fishing, is expressed in terms of kinship and follows the lines of social cleavage. Disputes over land are again associated with the balanced opposition of tribal segments, not of individuals.

Property other than Livestock and Land

Apart from cattle and land there are other forms of property, the ownership of which is in some cases more individual in character. These are articles of clothing, ornaments, weapons (except sacred spears), utensils and domestic tools, pottery, houses, and agricultural implements.

It is necessary here to make some distinction according to actual values in the past. That these values have been altered by the introduction of trade goods which may be bought with cash will be seen later. In the past there appear to have been four categories of such property:

(1) Articles made from local materials easily available, the manufacture of which required no technical skill or knowledge. In this category were such things as cattle-rope (particularly the less ornamented kind), sandals made from cow-hide, spear-shafts and cattle-pegs. Such articles could always be made by any Nuor with the minimum of trouble. They were of little permanent value and were given away freely. Hence the right to ownership rarely, if ever, became the subject of dispute, and there is no tradition of accepted scales of compensation for misappropriation, nor for that matter any likelihood of legal remedy.

(2) Articles made from local materials, the manufacture of which required both skilled technique and knowledge. Here a further distinction may be made according to the sex of the manufacturer, e.g. pots were made by women, bull-collars by men. Moreover, although there were very few hereditary craftsmen in Nuor society, some individuals acquired the reputation of especial skill and were able to barter their wares for things of equal or greater value, and sometimes for goats, sheep or even cattle. Such articles included clubs, shields of hide, ornaments of leather, pottery, spear-shafts of a more ornate kind, decorated gourds, and wooden or bone spear-heads. These were exchanged freely and were given to relatives without much demur if asked for, but Nuor would object strongly to their removal by a stranger.

(3) Articles of local materials manufactured by skilled and sometimes, though rarely, hereditary craftsmen, the value of which was in

421 the past nearly always expressed in terms of cattle and often on a conventional basis. Such articles were common and ivory tusks (though here the basic value of the ivory must be taken into account). These were of considerable value and, as will be seen, there were in the past scales of compensation demanded for their loss or misappropriation.

[439] (a) Imported articles, chiefly of iron, like fish-spears, iron spear-heads, hoes, iron hoes, etc. There were no iron smelters and few blacksmiths among the Nuer in those days. Iron weapons were acquired from other tribes in exchange for cattle. These also had a conventional value and, in traditional legal processes, a conventional rate of compensation (*ru*).

We see therefore that there were various categories of chattels or movable property, some of which (those in the first category) had no definite or standard value because they were so easily obtainable; others which had exchange value, but no conventional rate of compensation for loss in excess of the exchange value (those in the second category); still others which had not only high exchange value in terms of cattle but also rates of compensation for loss, usually far in excess of that value (those in the third and fourth categories). The reason for the heavy damages demanded in such circumstances is discussed later. It may be noted here that it was partly due to the economic advantage obtained from the article (hoes or fish-spears for example) and hence the economic disadvantages caused by its loss, for it could not be easily replaced. Although actually held by an individual, the advantages applied to other members of his community, who would therefore assist him to obtain redress. Moreover, since it was initially purchased with cattle, kinsmen who had interests in those cattle would also have interests in the article.

[424] Finally another form of ownership, which must be mentioned in connexion with property relations, is possession of spirits or 'spirit medicines'. Certain kinds of spirits or medicines which have magical properties may be purchased with cattle. Such spirits are spoken of as being 'owned', but in contrast to more corporeal rights, they cannot be stolen because in the transference there must be some spiritual harmony between the two persons concerned, and the appropriate ritual must be performed. The nature of these spirits is discussed in a later chapter.

Changing Values

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436 These observations apply to the past. Clearly concepts of property relations are undergoing swift and radical changes in Nuer society today. The introduction of a money economy in itself is bound to have repercussions on ideas of property and ownership. Most articles can be bought for relatively small sums of money, and money can be

LAND TENURE

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obtained by work or the sale of such products as hides and grain; and money can be used, apart from trade goods now in demand, to purchase cattle, although the market for cattle is still very limited.

Legal concepts based on values related to a subsistence economy only and conditioned by relative scarcity are bound to be modified when the economy begins to change, and the availability of certain articles is vastly increased. For example, although Nuor now practice agriculture on a larger scale than before and it is therefore of greater importance, an iron hoe valued at several head of cattle in the scale of traditional compensation, if it is ever stolen at all, now demands nothing more than material restitution. Another hoe can be purchased for a few piastres almost anywhere, and the threat of hardship from its loss is negligible. Hence nowadays the potential value of the hoe is ignored; only the actual trade value is assessed and, as will be seen, the wrong inflicted on the owner by taking it from him is not considered.

a. LAND TENURE, GRAZING RIGHTS, AND RIGHTS IN WATER

General Considerations

Rights in land, grazing, and fishing and drinking pools are held by those who are considered to be the descendants of the original occupiers of the area. This is particularly true of Nuor east of the Nile, for such rights are held by descent from the original colonizers. An understanding of land tenure, therefore, requires an analysis of the lineal structure of Nuor society and of the way in which areas were seized from the Dinka and occupied, mostly towards the end of the last century. The position and function of the nuclear clan or 'aristocrats' in each area who are called *diel*—as opposed to *ru*, i.e. later accretions who attach themselves to the original occupants—has already been explained. Most Nuor clans or tribes have strong traditions of an original division of land. Later accretions only acquire rights of possession by association with the nuclear lineage. This is in fact the basis of the whole system of Nuor society. Many *ru* lineages attempt to attach themselves to a nuclear lineage by real or fictitious relationship, often through intermarriage. The distinction in the latter case is clear, for, as we have seen, those who link themselves to the *diel* through previous marriages are called *gaat nyiet*, the 'sons of daughters', as opposed to *gaat tuti*,¹ 'sons of bulls'. *Diel* are always *gaat tuti* in the area they occupy; *gaat nyiet* are always *ru*, though *ru* are not all necessarily *gaat nyiet*. It seems that the word *ru* is applied with greater emotional intensity to those who have arrived and settled more recently, while those whose ancestors attached themselves earlier in Nuor

¹ See p. 18.

836 in sexual relations with girls. Before initiation boys may go to dances
883 but they merely watch and do not take part in them. After initiation
they go with the other youths of the village and form part of the dancing
group of their lineage (*dyf*). When the dancing is over they seize the
hands of the girls and sit and flirt with them. A boy will now commence
permanent love affairs with girls, and a girl will be recognised by his
friends as his love (*juude*). No uninitiated boy would stand a chance
of having a relationship of this kind with a girl, however large he might
be, as she would merely laugh at him and call him a boy and tell him to
go and become initiated. It is true that boys before initiation will have
congress with small girls, but this is not socially recognised, and if his
elders hear of it they will tell him not to be a fool as he is only a boy, but
after-initiation it is not only none of their business what he does, but
also he is expected, nay, compelled, by custom to embark upon courtship.

411 An initiated boy is now invested with two external signs of manhood
884 besides the scars on his forehead. He is given a spear by his father and
also a bullock, which he had generally been promised before the operation.
421 If he is lucky he will also get a bullock from a maternal or paternal uncle.
A boy will seldom possess a spear of his own and if he carries one he will
almost certainly be found to have borrowed it from a relative though
he may become the owner of a fishing spear. The possession of a spear
is a sign of manhood and it is an object of great pride. One is surprised
at the real feeling a Nuer expresses for his spear, almost as though it were
animate and not a mere weapon. He is never tired of sharpening and
polishing it. It is always in his hand, not only when fighting, hunting
and travelling, but also when dancing, leaping behind his bullocks,
playing with his comrades, and even when he lays it down it is never far
from his side. As the Nuer possess no knives a man's spear does service
not only on those occasions when Africans generally make use of it, but
on those occasions when other peoples use a knife, for culinary purposes,
cutting leather in tether making, cutting ox's hide for a bed-rug, and
other purposes.

233 A boy is even prouder when he becomes the owner of a bullock and
554 is invested with a bullock name. Even a small boy will speak of his
555 father's bullocks as "our bullocks," and will often regard one of them,
421 the calf of the cow he habitually milks, as his own special one. But it
is only his in the general psychological sense of family communism. It

is not exclusively his and he cannot use it in the way in which bullocks are used for display. Also a boy will often take a bullock name from one of the animals in his father's herd to which he has taken a fancy, again generally the calf of the cow he milks every day, but this is only in imitation of his elders when playing with other boys in make believe of adult life. He has no right to the name and no man would address him by it nor would he mention it in the presence of his elders. But after initiation he has a bullock and a bullock name in his own full social right.

I have already mentioned how he will play with this bullock, and look after it, and sing about it. Undoubtedly a man feels much attachment to the animal and is very much upset at its death. I do not, however, consider this attachment to be like the sentimental attachment which Europeans often feel for a favourite dog or horse. Their feeling springs mainly, I believe, from the association of social prestige which the bullock brings to its owner. It is a shame if one has no bullock to display when one's comrades are having theirs lead in procession round the camp. The more bullocks one can put into these processions the greater the prestige of one's name, for a man with several bullocks is obviously a man of wealth and standing, while a man who has not even a single one is of the poorest of the poor. Even if we also take into account the ritual use of bullocks as a sacrificial medium between men and spirits and ghosts, I still think that there has been a tendency to exaggerate the emotional feeling of Nueres towards particular animals. If a bullock dies its owner will acquire a new one and will take a new bullock name if he cares to do so. He may at any time change his bullock name if a new animal takes his fancy, though people generally seem to keep to the name they took after initiation. During his lifetime a man possesses a great number of bullocks and when he is married he will part with some of them, while others will be handed over to assist relatives to marry or to pay blood-compensation and yet others will be killed on ceremonial occasions. Nuer are never tired of speaking of these bullocks and enumerating their points. Much more could be said on the subject, but as it is only incidental to the institution of age-sets it cannot be discussed here in its completeness.

A man acquires a bullock name at initiation from the animal given to him by his father. He will be addressed by this name by his age-mates—it is particularly their privilege to do so—but also the members

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